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MA9758P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Christopher J. Calhoun

Serial No.: 10/660,461

Filed: September 10, 2003

For: METHODS OF PROMOTING
ENHANCED HEALING OF TISSUES
AFTER CARDIAC SURGERY

Examiner: Hagopian, Casey
Shea

Group Art Unit: 1615

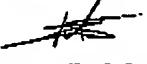
LETTER TRANSMITTING TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. In addition, authorization is hereby provided to charge Deposit Account No. 50-1600 for \$65.00 (37 CFR 1.20(d)) to cover the required fee.

Respectfully submitted,


Kenton R. Mullins
Reg. No. 36,331

4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile (949) 450-1764

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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Your petitioner, MAST Biosurgery AG, having a place of business at Claridenstrasse 25, CH-8002 Zürich, Switzerland, by its attorney, Kenton R. Mullins, of record in the above-identified application, represents that it is the assignee, as shown by the attached Assignment, of a 50 percent undivided right, title and interest in and to the above-identified application.

Pursuant to 37 CFR 3.73(b), your petitioner, as assignee of the above-identified application, hereby states that the above-noted assignment, the evidentiary document on which ownership of the above-identified application is established, has been reviewed. Further, your petitioner hereby certifies that, to the best of your petitioner's knowledge and belief, title to the above-identified application is in your petitioner, as assignee seeking to take the action in this Terminal Disclaimer.

Your petitioner, MAST Biosurgery AG, hereby disclaims the terminal part of any U.S. patent granted on the above-identified application which would extend beyond the expiration

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Docket: BI9150CIP
USSN: 09/270,311
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date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Application No. 10/375,451 and hereby agrees that any U.S. patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Application No. 10/375,451, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Application No. 10/375,451 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of common ownership stated above.

Dated this 15th day of June, 2006.

Respectfully submitted,



Kenton R. Mullins
Reg. No. 36,331

4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Fax: (949) 450-1764

MA9608P

WHEN RECORDED, RETURN TO:

Kenton R. Mullins
STOUT, UXA, BUYAN & MULLINS, LLP
4 Venture, Suite 300
Irvine, CA 92618

ASSIGNMENT OF PARTIAL PATENT RIGHTS

WHEREAS, CYTORI THERAPEUTICS, INC., hereinafter called Assignor, having a place of business at 3020 Callan Road, San Diego, 92121, has the full ownership interest in U.S. Application No. 10/375,451, filed February 27, 2003 and entitled METHODS FOR GOVERNING BONE GROWTH, hereinafter called the Patent Application;

WHEREAS, MAST BIOSURGERY AG, hereinafter called Assignee, having a place of business at Claridenstrasse 25, CH-8002 Zürich, Switzerland, is desirous of acquiring a 50 percent undivided right, title and interest in and to the aforesaid Patent Application and in and to any Letters Patent therefor granted in the United States of America;

NOW, THEREFORE, TO WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of I DOLLAR (\$1.00) paid to Assignor in hand by Assignee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor by these presents does hereby sell, assign and transfer unto Assignee, its successors and assigns, a 50 percent undivided right, title and interest in and to the said Patent Application; Assignor shall retain full rights to control the prosecution of said Patent Application;

AND, ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue any Letters Patent on said Patent Application to said Assignor and to said Assignee, as co-assignees of the entire right, title and interest.

IN WITNESS WHEREOF, ASSIGNOR has executed this instrument at 3020 Callan Road, San Diego, this 23rd day of May, 2006.

(Witness sign)

(Assignor sign)

(Witness print name) Jonathan E. Soneff

(Assignor name) Mark E. Said, Chief Financial Officer, for
CYTORI THERAPEUTICS, INC.